

REMARKS

In response to the Office Action mailed October 14, 2008, Applicant respectfully requests reconsideration. Claims 1, 2, 4-7, 11-22 and 24-26 were previously pending in this application, with claims 5-7, 12, 17-22 and 24-26 being withdrawn. By this amendment, claims 2, 4, 5, 12, 13, 17 and 21 have been amended and claims 1 and 12 have been canceled. No new claims have been added. As a result, claims 2, 4-7, 11, 13-22 and 24-26 are pending for examination with claim 13 now being the sole independent claim. Upon allowance of a generic claim, the withdrawn claims will be rejoined in this application. No new matter has been added.

Allowable Subject Matter

The Applicant thanks the Examiner for indicating that claims 13-16 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Without acceding to the propriety of the rejection of the claims, the Applicant has elected to rewrite claim 13 into independent form, including all of the limitations of now canceled claim 1. Further, claims 2, 4, 5, 17 and 21 have been amended to depend from claim 13.

Applicants further respectfully request that the Election of Species requirement (which resulted in the withdrawal of claims 5-7, 17-22 and 24-26) be withdrawn and that claims 5-7, 17-22 and 24-26 be rejoined in this application. Because each of the dependent claims depend directly or indirectly from allowable generic claim 13, it is respectfully requested that all pending claims be allowed and that the application pass to issue. Claim 12 has been canceled as being drawn to a non-elected species.

Information Disclosure Statement

The Examiner indicated that the information disclosure statement filed on 4/1/05 fails to comply with 37 CFR 1.9(a)(2) because copies of the foreign patent documents and the non-patent literature have not been provided.

Applicant respectfully requests reconsideration. The foreign patent documents and the non-patent literature were not provided with the Information Disclosure Statement of 4/1/05 because those references were provided in the earlier application 10/215,994 that is being relied upon for an effective filing date under 35 U.S.C. 120, as indicated in the PCT request form accompanying the international filing of this application. Nevertheless, to expedite prosecution of this application, Applicant herewith submits a new Information Disclosure Statement, with the accompanying fee, including copies of the foreign and non-patent literature references.

Accordingly, the Applicant respectfully requests that the Examiner indicate that the Information Disclosure Statement submitted herewith and the references cited therein have been considered.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Dated: November 26, 2008

Respectfully submitted,

By 

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